

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 20048482

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Date:**
At the project site **Date:** Sept 22, 2004

PROJECT LOCATION INFORMATION:

State: Colorado

County: Jefferson

Center coordinates of site by latitude & longitudinal coordinates: 39 49 43.9539, 105 09 36.3157

Approximate size of site/property (including uplands & in acres): 4.7

Name of waterway or watershed: Ralston Creek

SITE CONDITIONS: city suburban dry upland surrounds the aquatic sites

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
x Wetlands	x								
Slough									
Prairie pothole									
Wet meadow									
Playalake									
Vernal pool									
Natural pond									
Other water (identify type)									
<u>Irrigation ditch</u>									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Approved x Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

This wetland drainage flows into a headgated underground pipe. During my site visit, I tried to follow the directional alignment of the underground pipe as it may have been directed to Ralston Creek. As I walked the bank of Ralston Creek, the outlet of the pipe could not be located. Since the inlet of the pipe was gated, the flow of this drainage may be diverted to an irrigation ditch or reservoir. No tributary connection could be verified to a waters of the US.